REMARKS

Claims 10 and 41-61, all the claims pending in the application, stand rejected on prior art grounds. Claim 10 stands rejected under 35 U.S.C. §101. Claims 10, 41, 49 and 55 are amended for clarification purposes. Applicants respectfully traverse these rejections based on the following discussion. The following paragraphs have been numbered for ease of future reference.

I.   The 35 U.S.C. §101 Rejection

[0001] Claims 10, 41, 49, and 55 stand rejected under 35 U.S.C. §101 as not falling within one of the four statutory categories of invention. These rejections are traversed as explained below.

[0002] Claims 10, 41, 49 and 55 recite "[a] computer-implemented method for programmatic generation of continuous multimedia presentations on a computer by a station capable of receiving at least one presentation and a plurality of sensed events"; "[a] computer-implemented method of modifying previously-generated presentations on a computer"; "[a] computer-implemented method of modifying previously-generated presentations on a computer"; and "[a] computer-implemented method of creating a composite presentation sequence on a computer from at least two previously-generated presentations". Moreover, the production of modified, expanded and composite presentations as recited in the claims clearly indicates a transformation of the previously generated presentations. Thus, the claims recite statutory subject matter under the 35 U.S.C. § 101. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

II.   The Prior Art Rejections

[0003] Claim 10 stands rejected under 35 U.S.C. §102(e) as being anticipated by David, et al. (U.S. Patent No. 6,810,503), hereinafter referred to as David. Applicants respectfully traverse this rejection.

[0004] Applicants submit that David fails to disclose, teach or even suggest at least the features directed to: 1) maintaining a library of rules; 2) receiving at least one previously-

generated presentation; 3) selecting at least one event, wherein events control which rules in said library are applied to said previously-generated presentation; 4) testing each rule in the library for each selected event to determine which rules will be applied to said previously-generated presentation; and 5) applying each rule that positively responded to the testing step to the at least one previously-generated presentation to modify the at least one previously-generated presentation, as recited in independent claim 10.

[0005] David merely describes an invention for specifying and synchronously executing an extensible set of events along a single timeline is disclosed. More specifically, an invention for specifying an extensible set of multimedia events within an HTML document and for synchronously invoking the specified events along a single timeline within a Web environment is disclosed. First, a plurality of multimedia events are specified, with each event having a single or plurality of scheduled time(s) on the timeline for its invocation. After the playing of the timeline is started, events from the extensible set of events are executed at their respective predetermined time(s). Furthermore, an arbitration mechanism is provided for determining the order to execute a plurality of events scheduled to be executed at the same time, and a drop threshold mechanism is provided for not executing an event when its actual execution time has exceeded its scheduled execution time by more than a specified window of execution.

[0006] David is directed to providing synchronized multimedia which are complicated to perform in web pages since the timing control information is not inherent in the content of an HTML document. (See for example, David, col. 1, ll. 48-50). Thus, David provides a sequencer control that allows events to be prioritized and selectively dropped to ensure audio and video events are properly synchronized.

[0007] The Response to Argument section of the 2/18/2009 Communication asserts that "Appellant's (sic) main argument with respect to the 102(e) rejection of claim 10 using David, is that the reference combines individual multimedia events to generate a new presentation, as argued on page 6 of the Brief." (see 2/18/2009 Communication, p. 13, ll. 9-11).

[0008] Applicants note that page 6 of the 8/20/2007 Amended Appeal Brief falls under the heading entitled "Summary of Claimed Subject Matter". The Arguments are found beginning at page 10 of the Amended Appeal Brief filed 8/20/2007. Applicants argument as set

forth at for example, page 11 of the 8/20/2007 Amended Appeal Brief re-iterate that "[n]othing within David discloses modification of any of the previously generated multimedia events that are combined by David into the new presentation." Instead, David states that it is directed to conventional sequencing of media. Thus, "[m]ultimedia can be characterized as some combination of visual media, audio media and time." As previously noted, David is directed to a system that addresses timing, sequencing and synchronization problems that occur when "multimedia" is displayed in a web page. (David, col. 1, ll. 35-47).

[0009] The 2/18/2009 Communication asserts that "it is the web pages in David that correspond with claimed 'previously generated presentations.'" (see 2/18/2009 Communication, p. 16 , ll. 2-3) and goes on to assert that "[e]ach multimedia event that is invoked on the web page represents a modification, at least of the original web page (i.e., previously generation (sic) presentation)." (2/18/2009 Communication, 9-10). However, even assuming arguendo this interpretation is correct, which Applicants dispute, these multimedia events would each be part of the same web page and therefore according to the mapping offered by the Communication, would be part of the same presentation.

[0010] Thus David fails to show "...applying each rule .... to the at least one previously generated presentation <u>to modify</u> the at least one previously-generated presentation" as recited in independent claim 10 and similarly recited in independent claims 41, 49 and 55. The Communication appears to assert that editing meets the features of the claims, however Applicants note that editing requires user interaction.

[0011] Moreover, the 2/18/2009 Communication asserts that *'selecting at least one event , wherein events control which rules in the library are applied to the presentation , and testing each rule in the library for each selected event to determine which rules will be applied to the presentation',* (2/18/2009 Communication, p. 6, ll. 4-6).

[0012] However, Applicants respectfully submit that claim 10 actually recites *"selecting at least one event, wherein events control which rules in said library are applied to <u>said previously-generated</u> presentation*" and *"testing each rule in the library for each selected event to determine which rules will be applied to <u>said previously-generated</u> presentation" (emphasis added).* Thus, the 2/18/2009 Communication fails to afford patentable weight to the term

"previously-generated presentation." This term is present in the claims listed in the Section VIII Claims Appendix of Appellants' Amended Appeal Brief and acknowledged as correct in the 2/18/2009 Communication, (see 2/18/2009 Communication, p. 4, ll. 11-12). Thus, the rejections and corresponding arguments predicated on the phrase "presentation" rather than "previously-generated presentation" is improper.

[0013] The 2/18/2009 Communication similarly asserts that *"applying each rule that positively responded to the testing step to the at least one presentation top (sic) modify the at least one presentation"* is met by the application of the parameter values for each sequence event in order to display the objects according to the sequence control, see col. 7, lines 21-45." (2/18/2009 Communication, p. 6, ll. 14-17).

[0014] However, claim 10 actually recites *"applying each rule that positively responded to the testing step to the at least one previously-generated presentation to modify the at least one previously-generated presentation"* *(emphasis added)*. Moreover, the parameters are merely used to control the display of the multimedia elements within the web page. As noted above, the 2/18/2009 Communication asserts "[t]he original web page (i.e., previously generation (sic) presentation)". (2/18/2009 Communication, p. 16, ll. 9-10). The modification of parameters in the authoring of the original web page fails to address the recited features of the claims. Applicants therefore respectfully request withdrawal of the rejection.

[0015] Claims 41-61 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shiels, et al. (U.S. Patent No. 6,260,194), hereinafter referred to as Shiels, in view of Montgomery, et al. (U.S. Publication No. 2002/0080159), hereinafter referred to as Montgomery. Applicants respectfully traverse these rejections based on the following discussion.

[0016] Applicants respectfully submit that Shiels, alone or in combination with Montgomery fails to disclose, teach or even suggest at least the features directed to: 1) creating a set of rules based on user input; 2) selecting a previously-generated presentation to be modified; 3) after said creating of said rules, automatically modifying, without user intervention, said previously-generated presentation based on said rules to produce a modified presentation; 4a) ... automatically expanding... ; 4b) ...automatically combining ... ; and 4c) outputting ... , as recited in independent claims 41, 49 and 55.

[0017] Shiels merely describes an interactive entertainment apparatus and a method for controlling the same are described, in which the apparatus presents to the user a branch structured narrative (90), and user input determines which path (A,B) is followed at at least one narrative branch point (92). The user is enabled to selectively capture predetermined pieces of narrative information at interaction points (72) and subsequently reintroduce them at a later interaction point (73). Branch point selection is then handled by the apparatus in dependence on which information was reintroduced and at what point in the narrative. On-screen guidance is provided to the user in terms of interaction point indicators, and reminder artifacts for captured information in the form of miniaturized still pictures from the narrative.

[0018] The 2/18/2009 Communication asserts that: "[i]n other words, whenever the user is presented with a modified story line, this represents a modified presentation. (2/18/2009 Communication, p. 19, 15-16). However, Shiels states that:

"[t]he operation of recalling moves the narrative sequence along to the next branch node (92, FIG. 9) and the content (the narrative value) of the recalled sequence directly or indirectly affects the choice of branch. In a direct implementation, the recall of scene 101 at this point automatically selects branch A, in which Fred is fired for taking the day off: if the user chooses not to recall the scene during the interaction period of scene 103, that scene plays itself out until the branch point is reached, when branch B is followed an Fred keeps his job." (see for example, Shiels, col., 9, ll. 7-10).

[0019] Applicants respectfully submit that the use of the term "branch" clearly indicates an established set of paths already exist else there would be no branch or alternate path to follow. As noted in Applicants' previous responses, the selection of an existing path in Shiels simply fails to address ... automatically modifying, expanding or combining, without user intervention, as recited in independent claims 41, 41, 49, 55.

[0020] The 2/18/2009 Communication asserts that "[t]he other algorithm that modifies the presentation based on the user's input, is the teaching of the user changing a positive or negative value of the characters in the narrative, col. 7, lines 11-50 & Fig. 8." However, this asserted mapping is untenable since Applicants' claims clearly recite "without user intervention". In order to be reasonable, any interpretation of the claims must be consistent with the claims as

presented. The interpretation offered by the Communication fails in this regard and is therefore improper on its face.

[0021] The 2/18/2009 Communication states that "Examiner however cited Montgomery since Shiels does not state that all of the previously-generated presentatations (sic) would be modified without user input; appears to include some instances wherein user interaction is made during playback."

[0022] However, Montgomery merely describes client-side production in a personal computer environment of low bandwidth images and audio. A series of low bandwidth still images along with a "script" and audio data is sent over a network in a client/server architecture or is read from a compact disk or other memory. A "director" module residing in a client personal computer uses the "script" to tell the computer how to execute a sequence of "moves" on the still images. These moves include cuts, dissolves, fades, wipes, focuses, flying planes and digital video effects such as push and pull. Moves within a still image occur in real time, and are relatively smooth and continuous as compared to prior art network video. Low bandwidth is achieved because most of the production is done at the client location without relying upon slow, bandwidth-limited downloading of conventional network video formats.

[0023] The 2/18/2009 Communication asserts that "[n]evertheless appellant appears to discount Montgomery (sic) clear teaching that the script may execute several sequences on the image, such as cuts, fades, dissolves, etc., which clearly reads on the claimed modifying a previously generated document, even as agued (sic) by appellant. The plain meaning of cuts, fades, etc to an image discussed in Montgomery, clearly reads on a modification of previously generated presentation (image). Therefore the basis of appellant's (sic) argument to the contrary is not understood..." (1/11/2008 Examiner's Answer, p. 17, ll. 8-17 and repeated verbatim in the 2/18/2009 Communication, p. 21, ll. 16-21). In response, Applicants reiterate and re-state their prior response, in that Montgomery is directed to the authoring and/or law bandwidth playback of authored works.

[0024] Applicants note the arguments offered in the 1/11/2008 Examiner's Answer and the 2/18/2009 Communication identify cuts and fades on the images. However, as noted above, the "director" module in Montgomery is used in authoring and/or playback of authored works.

Thus, Montgomery even when combined with Shiels fails to define patentable subject matter over independent claims 41, 49 and 55. Claims 42- 48, 50-54, and 56-61 depend from claims 41, 49 and 55 and therefore define patentable subject matter for at least the same reasons.

[0025] The claimed invention, as provided in amended independent claims 10, 41, 49 and 55 contain features, which are patentably distinguishable from the prior art references of record.

[0026] Moreover, the Applicants note that all claims are properly supported in the specification and accompanying drawings, and no new matter is being added. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

III.   Formal Matters and Conclusion

[0027] With respect to the rejections to the claims, the claims have been amended, above, to overcome these rejections. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections to the claims.

[0028] In view of the foregoing, Applicants submit that claims 10 and 41-61, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

[0029] Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary. Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 50-0510.

Respectfully submitted,

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